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October 5, 2017

VIA ECF

Honorable Steven M. Gold
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Gaston v. Valley National Bancorp, et al. Civil Action No. 17cv1886 (FB) (SMG)

Your Honor:

This office represents the Defendants, Valley National Bancorp and Valley National Bank (collectively the "Defendants") in the above referenced matter and together with Plaintiffs' Counsel, Outten & Golden, LLP and Shavitz Law Group, P.A., we jointly write to advise Your Honor that the parties have resolved the discovery and scheduling issues which are the subject of Defendants' September 29th correspondence to the Court. The parties have agreed to the following, and now seek the Court's approval for the below changes in the discovery schedule and briefing schedule in this matter:

(1) The depositions of Plaintiffs Gaston, Gallart and Longo will be concluded by Saturday November 4, 2017, at appropriate dates to be agreed upon between counsel;

(2) In the event that a Plaintiff's deposition needs to be scheduled on a Saturday to accommodate the Plaintiff's schedule, Plaintiffs shall bear the cost of any premium charged by the court reporting agency to transcribe the deposition on a Saturday, beyond that which is typically charged by the court reporting agency for a standard, weekday deposition;

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(3) Defendants' time to submit opposition papers to Plaintiffs' Section 216(b) motion will be extended until Tuesday November 14, 2017; and

(4) Assuming the Court accepts the proposed extensions to discovery and briefing, Defendants will agree to a tolling of the statute of limitations on any claim under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq*. ("FLSA") by any "Potential Plaintiff," (which is defined as a member of any collective action that the Court later authorizes to receive notice), during the period of time between October 20, 2017 and November 14, 2017; and

(5) Plaintiffs will submit Reply papers if they chose to do so, on Wednesday, November 22, 2017.

Based upon the above described agreement, if the Court accepts the proposed changes in the discovery and briefing schedule, Defendants respectfully withdraw their letter application dated September 29, 2017, and the parties request that the telephone conference presently scheduled for Wednesday October 11th at 2:00 pm be cancelled as moot.

The parties thank you for your kind consideration.

Very truly yours,

James M. Lemonedes

JML:td